



CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT – PLANNING AND ZONING

AGENDA PLANNING COMMISSION MEETING

Date: Wednesday, March 24, 2021
Time: 4:00 P.M.
Via: ZOOM Virtual Meeting

TO PARTICIPATE IN PUBLIC COMMENT: Zoom Telephone Number: 312-626-6799. The caller will be prompted to enter the meeting ID number: **950 8283 6850**. The caller will be placed into a virtual “waiting room” until it is their time to speak during public comment.

1. **Call to Order**
2. **Attendance**
3. **Approval of Minutes – February 24, 2021**
4. **Correspondence**
5. **Additions or Deletions to the Agenda**
6. **Public Hearings/Deliberations:**
 - A) **Capital Improvement Program for Fiscal Years 2021-2022 to 2026-2027**
 - B) **S-01-21: Special Use Permit** requested by HOS Investments LLC, 449 Capital Avenue N.E., Battle Creek, MI to allow an adult-use marihuana retailer at 449 Capital Avenue NE in a T-3, Neighborhood Commercial District, pursuant to Section 1281.05 of the zoning code.
 - C) **S-02-21: Special Use Permit** requested by James Dally, Maxcon, 1919 Kilgore Service Rd., Kalamazoo, MI 49001 to allow a new dental office at 4542 Beckley Road, in a T-3, Neighborhood Commercial District, pursuant to Section 1281.05 of the zoning code.
7. **Old Business:**
 - A) **2021 Planning Commission Meeting Dates**
8. **New Business**
9. **Comments by the Public**
10. **Comments by the Staff and Commission Members**
11. **Adjournment**

Respectfully Submitted,
Eric Feldt, AICP, CFM; Planning/ Zoning Coordinator
Executive Secretary, Planning Commission

CITY OF BATTLE CREEK
PLANNING COMMISSION
Zoom Virtual Meeting
10 North Division, Battle Creek, MI 49014
Minutes for Wednesday, February 24, 2021

Meeting called to order by Chairperson Buscher at 4:00 p.m. This meeting was held virtually via Zoom Virtual Meeting.

Present: D. Buscher, C. Newman, J. Sobieralski, J. Godfrey III, L. Gray, C. Spranger (arrived at 4:30), K. Faris and B. Herring.

Absent: None.

Staff Present: Eric Feldt, Planning and Zoning Coordinator, Michele D. Sutherland, Customer Service Rep II, Marcie Gillette, Community Services Manager, Marcel Stoetzel, Deputy City Attorney, Sarah VanWormer, IT, Jessica Vanderkolk, Communications Manager.

Announcement: Note for the record, the date for the meeting minutes was December 16, 2020.

Public Comments: None.

Approval of the Minutes for the meeting:

MOTION MADE BY COMMISSIONER GODFREY TO APPROVE THE MINUTES WITH THE 3 CORRECTIONS BROUGHT FORTH BY COMMISSIONER GRAY. SECONDED BY COMMISSIONER NEWMAN. ALL IN FAVOR, MOTION APPROVED.

OLD BUSINESS: None.

NEW BUSINESS:

A: Z-01-21, Conditional Rezone: Petition from SC Distribution, LLC, 21605 Van Dyke Ave., Warren, MI 48089, requesting a conditional rezone to allow for a marijuana grow facility pursuant to Sections 1251.26 and 1251.27 for a property located in a “Green district” at 306 Stringham Road.

Staff Presentation: Eric Feldt, Planning Coordinator, gave the staff report. The staff recommends in support of the Conditional Rezone as a result of the review and analysis of the submitted Conditional Rezone application, material, and offered conditions; analysis of the neighborhood land uses and existing land conditions; and also finds the project consistent with the objectives of the Master Plan and the intent of the Zoning Ordinance. Pursuant to Section 1281.01 Zoning Ordinance/Map Amendments and MCL 125.3101 et seq., planning staff recommends that the Planning Commission recommend to the City Commission approval of the Conditional Rezoning with 5 conditions (listed below) for Petition Z-01-21, from SC Distribution, LLC to allow a marijuana grow facility on 306 Stringham Rd.

Conditions offered by applicant:

- 1) Rain Barrels;
- 2) Development of the Retention Pond
- 3) Odor Mitigation Technology
- 4) \$5,000 Contribution; and
- 5) Green Screening and Tree Planting.

It should be noted that prior to the meeting the applicant withdrew condition #4, a \$5000.00 contribution and instead contribute \$5000.00 to a local environmental organization.

Chairperson Buscher asked for public comment.

Public Comments:

Elario Awad of 223 Stringham Rd., also known as 221 Stringham Rd. is in opposition. Will negatively affect the property value of the neighborhood.

Brooke of 1048 River Road West had several concerns; recreational or medical marihuana, odor, privacy fencing, traffic, lights and signage.

Applicant Presentation:

Mohamed Ghaith, attorney for SC Distribution, LLC, responded to the neighbor's concerns.

- Private septic tank
- Rain barrels
- Tax value of a cultivation will increase nearby property values
- 10,000 square foot facility with only 2-3 employees, building to 10
- No retail (not a provisioning center) grow only
- Secure Transporters for pick up
- Green district was previous industrial
- Green hedge screen along property lines, 6 ft. to 15 ft. hedges
- Odor mitigation, HEPA filters, OZONE, hand charcoal and hurricane scrubber
- Light mitigation to reduce impact of neighboring properties
- Previously approved for medical marihuana under Industrial Zone
- Property was purchased for a marihuana use
- Consistent with the master plans

The applicant states that he has removed the \$5000.00 contribution and will instead give a \$5000.00 contribution to a local environmental agency.

PC Discussion:

Commissioner Newman asked to recuse himself as he had bid on the project.

Marcel Stoetzel, Assistant City Attorney states that if he did not receive pay it is okay to vote without a conflict of interest.

After some discussion,

MOTION MADE BY COMMISSIONER GODFREY III AND SECONDED BY COMMISSIONER HERRING TO APPROVE Z-01-21 WITH THE CONDITION THAT THE DETENTION POND HAVE FENCING

Chairperson Buscher states that the Applicant must add the condition in the petition.

Marcel Stoetzel, Assistant City Attorney, the applicant has to put the conditions into the petition. This body is not allowed to add conditions.

Mohamed Ghaith, will make the property as safe as possible. They can make the condition regarding the fencing around detention pond.

After some discussion if the condition needed to be in the petition, the applicant stated for the record that he would make it a condition in the Site Plan.

MOTION WAS MADE BY COMMISSIONER GODFREY III TO APPROVE MOTION Z-01-20 WITHOUT THE CONDITION THAT THE DETENTION POND HAVE FENCING. MOTION SECONDED BY COMMISSIONER HERRING. MOTION APPROVED 8-0.

A roll call was taken:

Comm. Newman, yes
Comm. Buscher, yes
Comm. Sobieralski, yes
Comm. Godfrey III, yes
Comm. Gray, yes
Comm. Spranger, yes
Comm. Herring, yes
Comm. Faris, yes

B: A-01-21: Ordinance Amendment: Amendments to the Zoning Map and various sections of the Zoning Code.

Staff Presentation: Eric Feldt, Planning Coordinator, gave the staff report. Staff recommends that the Planning Commission recommend to the City Commission approval of the proposed Zoning ordinance/map amendments, as outlined in the staff report, memorandum and attachments.

Applicant Presentation: Eric Feldt, as staff gave the presentation.

PC Discussion:

After some discussion regarding transitional and supportive homes and the maximum number of people allowed per bedroom, it was decided that a 2 person maximum per bedroom would be brought before the City Commission.

Commissioner Herring asked that the correct language be clear and precise before going to the City Commission.

Chairperson Buscher asked for Marcie Gillette, Community Services Manager, to recall her language for the record.

Marcie Gillette, Community Services Manager, “transitional and supportive homes with less than 6 persons and also greater than 6 persons, that occupancy shall not exceed more than 2 occupants per bedroom”.

A MOTION WAS MADE BY COMMISSIONER NEWMAN TO APPROVE A-01-21 WITH THE LANGUAGE OF OCCUPANCY MAXIMUMS. SECONDED BY COMMISSIONER SOBIERALSKI. A VOTE WAS TAKEN, MOTION APPROVED 8-0.

A roll call was taken:

**Comm. Newman, yes.
Comm. Buscher, yes.
Comm. Sobieralski, yes.
Comm. Godfrey III, yes.
Comm. Gray, yes.
Comm. Spranger, yes
Comm. Herring, yes.
Comm. Faris, yes.**

C: Approval of 2021 Meeting Dates

Meeting dates were not included in packet. Postponed until next meeting.

D: Election of 2021 Officers

COMMISSIONER FARIS NOMINATED CHAIRPERSON BUSCHER AS CHAIRPERSON. SECONDED BY COMMISSIONER NEWMAN.

COMMISSIONER GODFREY MADE A MOTION TO REAPPOINT CURRENT OFFICERS ERIC FELDT AS EXECUTIVE SECRETARY, COMMISSIONER BUSCHER AS CHAIRPERSON AND COMMISSIONER GRAY AS VICE CHAIR. SECONDED BY COMMISSIONER NEWMAN. ALL APPROVED, MOTION APPROVED. 8-0.

PUBLIC COMMENTS: None.

COMMENTS FROM COMMISSION STAFF:

Marcie Gillette, Community Services Manager, states the March 24th Planning Commission will be a joint meeting with City Commission for the Capital Improvement Plan.

COMMENTS FROM COMMISSION MEMBERS: None.

ADJOURNMENT:

Chairperson Buscher adjourned the meeting at 5:31 p.m.

Submitted by: Michele D. Sutherland, CSR II, Planning and Zoning